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Name of Registered Representative:

John C. Freeman  
John C. Freeman, Reg. No. 34,483

June 14, 2001  
Date of Signature

PATENT  
CASE NO. 56/349

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
Erich Strasser )  
) Group Art Unit: 2878  
)  
Serial No.: 09/785,800 )  
) Examiner: unassigned  
Filed: February 16, 2001 )  
)  
For: POSITION MEASURING DEVICE )  
AND METHOD FOR OPERATION )  
OF A POSITION MEASURING )  
DEVICE )

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In compliance with Applicant's duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicant hereby submits the following references for consideration by the Examiner. Copies of the references are enclosed along with a completed copy of Form PTO-1449.

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## **I. DISCLOSURE**

### **A. U.S. Patents**

<b><u>Patent No.</u></b>	<b><u>Inventor</u></b>	<b><u>Issue Date</u></b>
4,156,137	Nelle	05/22/79
4,225,931	Schwefel	09/30/80
4,618,940	Schmitt	10/21/86
4,628,201	Schmitt	12/09/86
4,990,767	Ernst et al.	02/05/91
5,216,626	Kranitzky	06/01/93
5,627,466	Spies et al.	05/06/97
5,687,103	Hagl et al.	11/11/97
5,963,330	Braasch et al.	10/05/99
6,002,126	Feichtinger	12/14/99
6,111,402	Fischer	08/29/00

### **B. Foreign Patents**

<b><u>Reference No.</u></b>	<b><u>Country</u></b>	<b><u>Pub. Date</u></b>
0 660 209	EPO	06/28/95
196 45 605	Germany	05/07/98
197 51 853	Germany	06/04/98
197 44 938	Germany	06/10/98
198 36 003	Germany	02/10/00
WO 00/08418	WIPO	02/17/00

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**C. Pending Dr. Johannes Heidenhain GmbH Patent Applications**

<b><u>Application No.</u></b>	<b><u>Inventor</u></b>	<b><u>Filing Date</u></b>
09/506,752	Feichtinger	02/18/00
09/762,754	Schroter et al.	04/16/01

**II. DISCUSSION**

**A. European Patent Reference No. 0 660 209**

The pertinence of the '209 patent reference is discussed at page 7 of Applicant's specification.

It is believed that the '209 patent reference corresponds to U.S. Patent No. 5,687,103.

**B. German Patent Reference No. 196 45 605**

Based solely on the drawings and the enclosed English language Abstract, the '605 patent reference is pertinent because it appears to disclose a scale fixed to a shaft and a scanner using a mounting fixture and a position adjustment screw.

The '605 patent reference was designated as an A-type reference in a Search Report in corresponding German Patent Application 100 07 225.9. An A-type reference is deemed to define the general state of the art which is not considered to be of particular relevance.

It is believed that the '605 patent reference corresponds to U.S. Patent No. 6,002,126.

**C. German Patent Reference No. 197 51 853**

The pertinence of the '853 patent reference is discussed at pages 1, 2 and 6 of Applicant's specification.

It is believed that the '853 patent reference corresponds to U.S. Patent No. 6,111,402.

**D. German Patent Reference No. 197 44 938**

Based solely on the drawings and the enclosed English language Abstract, the '978 patent reference is pertinent because it appears to disclose a measuring device with a scale applied to a movable drive unit and an optical scanning device attached to a movable component.

The '605 patent reference was designated as an A-type reference in a Search Report in corresponding German Patent Application 100 07 225.9.

It is believed that the '938 patent reference corresponds to U.S. Patent No. 5,963,330.

**E. German Patent Reference No. 198 36 003**

The pertinence of the '003 patent reference is discussed at page 6 of Applicant's specification.

It is believed that the '853 patent reference corresponds to WO 00/08418.

**F. WIPO Patent Reference No. 00/08418**

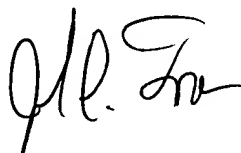
It is believed that the '418 patent reference corresponds to German Patent Reference No. 198 36 003. Accordingly, the pertinence of the '418 patent reference is the same as that of the '003 patent reference as discussed at page 6 of Applicant's specification.

**III. CONCLUSION**

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicant wishes to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicant's desire, however, to have these references available in the record for both the Examiner and the public to

see. Applicant therefore requests that the Examiner review the entire disclosure of each reference and make the above-listed references of record. Applicant also invites the Examiner to review the above-mentioned Heidenhain applications, copy enclosed, and the art cited therein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.C. Freeman', written in a cursive style.

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Dated: June 14, 2001